

REMARKS

In the Final Office Action dated May 15, 2009, the Examiner rejected claims 1-4, 6-12, 18, 19, 21-26, 27, 31, and 34 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,053,003 to Dadson et al. ("Dadson") in view of U.S. Patent No. 4,999,885 to Lee ("Lee"); rejected claims 5, 13, 15-17, 20, 30, 32, and 33 under U.S.C. § 103(a) as being unpatentable over Dadson in view of Lee, and further in view of U.S. Patent No. 5,820,582 to Keilman ("Keilman"); rejected claim 14 under U.S.C. § 103(a) as being unpatentable over Dadson in view of Lee, and further in view of U.S. Patent No. 4,772,497 to Maasola ("Maasola"); and rejected claim 35 under U.S.C. § 103(a) as being unpatentable over Dadson in view of Lee, and further in view of U.S. Patent Application No. 2002/0115795 to Shang et al. ("Shang").

By this Reply, Applicant has amended claims 1-4, 6, 8-10, 17-19, 21, 23-27, 29, 31, and 32; and added new claims 45-72. Accordingly, claims 1-35 and 45-72 are currently pending in this application. No new matter has been added by this Reply.

REJECTION UNDER § 103(a)

Applicant respectfully traverses the rejections of claims 1-35 under 35 U.S.C. § 103(a) for at least the following reasons.

The Examiner contends that Dadson discloses all of the features of independent claim 1 except for "the organizing means connected to both first and second tubular elements and arranged to organize the line set such that no part of the line set extends across another part of the line set." (Office Action, pages 4-5.) The Examiner contends that Lee cures the deficiencies of Dadson, and contends that, "[i]t would have been obvious...to modify the package of Dadson with an organizing means, as taught by Lee because such modification would provide the organizing of the tubing package for use

in a peritoneal dialysis treatment in the safety mode.” (Office Action, page 6.) Applicant respectfully disagrees.

Nevertheless, in the interest of expediting prosecution of this application, Applicant has amended claim 1 to recite a package, wherein, among other things, “the first tubular line element extends in a first curved shape from a first connector at an outer periphery of the first curved shape to the junction; wherein the second tubular line element extends in a second curved shape from a second connector at an outer periphery of the second curved shape to the junction; and wherein the junction is disposed at an inner periphery of the first curved shape and an inner periphery of the second curved shape, such that no part of the line set extends across another part of the line set.” (Emphasis added.)

The Examiner also contends that Dadson discloses all of the elements of independent claim 27 except for “the organizing means connected to both first and second tubular elements and arranged to organize the line set such that no part of the line set extends across another part of the line set.” (Office Action, pages 13-14.) The Examiner contends that Lee cures the deficiencies of Dadson, and contends that, “[i]t would have been obvious...to modify the package of Dadson with an organizing means, as taught by Lee because such modification would provide the organizing of the tubing package for use in a peritoneal dialysis treatment in the safety mode.” (Office Action, page 14.) Applicant respectfully disagrees.

Similarly, Applicant has amended independent method claim 27 to recite a method, “wherein the positioning of the line set and fixing of the holding member are configured to substantially eliminate damage to the package or line set by retaining the

patient connector at an inner periphery of the line set and preventing any part of the line set from extending across another part of the line set." (Emphasis added.)

Applicant submits that none of the cited references discloses, either alone or in any proper combination, each and every element of currently amended independent claims 1 or 27. For at least the reasons discussed above, independent claims 1 and 27 are allowable over Dadson and Lee and Applicant respectfully asks the Examiner to withdraw the § 103(a) rejection of independent claims 1 and 27.

Applicant also traverses the Examiner's § 103(a) rejection of dependent claims 5, 13, 14, 15-17, 20, 30, 32, 33, and 35 (all of which depend from either amended independent claim 1 or 27) over Dadson and Lee in further view of one of Keilman, Maasola, or Shang. Applicant submits that none of these references overcomes the above-mentioned deficiencies of Dadson and Lee. Applicant similarly asks the Examiner to withdraw the § 103(a) rejection of these claims. Accordingly, claims 2-26 and 28-35 are allowable at least due to their dependence from allowable amended independent claims 1 and 27, respectively, and due to their additional recitations of novel subject matter. Thus, Applicant respectfully requests that the § 103(a) rejection of all of these claims be withdrawn.

NEW CLAIMS 45-72

New claim 45 recites a package, wherein, among other things, "the holding member is configured to engage a portion of the third tubular line element relative to the first and second tubular line elements, such that the patient connector is disposed at an inner periphery of the line set, and that no part of the line set extends across another part of the line set." (Emphasis added.)

New claim 47 recites a package comprising, among other things, “a holding member having a first recess for engaging portions of the first, second and third tubular line elements, and a second recess for engaging a portion of the drain bag; wherein the holding member is configured to engage a portion of the third tubular line element relative to the first and second tubular line elements, such that no part of the line set extends across another part of the line set.” (Emphasis added.)

New claim 72 recites a method comprising, among other things, “retaining the positioning of the line set by fixing a holding member to the line set by engaging portions of the first, second and third tubular line elements with a first recess of the holding member, and engaging a portion of the drain bag with a second recess of the holding member; wherein the holding member is configured to engage a portion of the third tubular line element relative to the first and second tubular line elements, such that no part of the line set extends across another part of the line set.” (Emphasis added.)

Applicant respectfully submits that none of the cited references, either alone or in any proper combination, disclose each and every element of newly added independent claims 45, 47, or 72, and thus, these claims are allowable. Claims 46 and 48-71 depend from claims 45 and 47 respectively, and are therefore allowable at least due to their dependence from allowable independent claims 45 and 47, respectively, and due to their additional recitations of novel subject matter.

CONCLUSION

In view of the above amendments, Applicant asserts that the entire application is now in condition for allowance. A timely notice of allowance is earnestly requested.

The Examiner is invited to telephone the undersigned at (202) 408-4387, should the Examiner foresee any impediment to allowance.

The Office Action may contain statements or characterizations with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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